

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1190 of 1998

to

FIRST APPEAL No 1204 of 1998

STATE OF GUJARAT

Versus

PATEL CHATURBHAI LAKHUBHAI

Appearance:

Mr.P.G.Desai, Govt. Pleader in FA Nos.1190 to
1196 of 1998.

Mr.L.R.Poojari, Addl. Govt. Pleader in FA Nos.1197 to
1200 of 1998.

Mr.S.P.Dave, Addl. Govt. Pleader in FA Nos.1201 to 1204
of 1998.

CORAM : MR.JUSTICE Y.B.BHATT and
MR.JUSTICE R.P.DHOLAKIA
Date of decision: 13/07/98

ORAL JUDGEMENT (Per: Y.B.Bhatt,J.)

These are appeals filed by and on behalf of the
State of Gujarat under Sec.54 of the Land Acquisition Act
read with Sec.96, CPC, challenging the common judgment
and awards passed by the Reference Court under Sec.18 of
the said Act.

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#. The lands of the respondents-original landholders
situated in Village Aithor, Taluka Sidhpur, District
Mehsana were acquired for the implementation of the
Dharoi Canal Project. A notification under Sec.4 of the
said Act was published on 13th November, 1991.

2.1 After following the due procedure, the Land
Acquisition Officer published his award whereby he

offered Rs.1.90 per sq.mtr. The claimants-landholders not having accepted the award preferred their References under Sec.18 of the said Act, which came to be heard and decided by the Reference Court by the impugned judgment and awards. The Reference Court has determined the market value of the acquired lands at Rs.30/- per sq.mtr.

#. It is this common judgment and awards which are subject matter of the present appeals.

#. We have heard the learned counsel for the appellants and have scrutinized the impugned judgment and awards which is the subject matter herein, and have referred to such evidentiary material to which our attention has been drawn.

4.1 Looking to the facts and circumstances of the case, we are satisfied that the impugned judgment and awards do not merit any interference in these appeals. The impugned judgment, taken in its overall perspective, is, in our opinion, not assailable. We agree with the assessment of the evidence on the part of the Reference Court, the conclusions drawn therefrom and the findings of fact recorded.

#. Our attention has also been drawn to another decision of this very Bench, namely, First Appeal Nos.4702 to 4715 of 1997 (Coram: Y.B.Bhatt & R.P.Dholakia, JJ) decided on 30th June, 1998. Under this decision, this Bench had determined the market value of the acquired lands at Rs.40/- per sq.mtr. It is pertinent to note that the relevant notification under Sec.4 which was the basis of the aforesaid decision was dated 18th January, 1989, whereas the corresponding notification under Sec.4 in the instant acquisition is 13th November, 1991, that is to say, almost one year and ten months thereafter. Furthermore, the acquisition which was under consideration in the aforesaid decision was in Village Unjha, whereas in the instant case, the land is situated in the Village Aithor, which is contiguous with the Village Unjha and shares a common Panchayat. Thus, bearing in mind the relevant factors, we are of the opinion that the market value of the acquired lands as determined by the Reference Court at Rs.30/- per sq.mtr. cannot in any manner be said to be excessive.

#. These appeals are, therefore, dismissed.

Sd/-

(Y.B.Bhatt,J.)

Sd/-

(R.P.Dholakia,J.)

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